

**CHILD PROTECTION ACCOUNTABILITY COMMISSION
ANNUAL LEGISLATIVE MEETING
May 25, 2005
CARVEL STATE OFFICE BUILDING, 820 N. FRENCH STREET
GOVERNOR'S CONFERENCE ROOM**

MINUTES

Those in attendance:

Members of the Commission:

Jennifer Ranji, Esq., Chair,
The Honorable Peggy Ableman
Tania M. Culley, Esq.,
Harvey Doppelt (proxy for Susan Cycyk)
Peter Feliceangeli, Esq.
Carlyse A. Giddins
Sgt. Phil Hill
John Humphrey
The Honorable Chandlee J. Kuhn
Mariann Kenville-Moore
(proxy for Jane Brady)
Janice Mink
Mary Ball Morton
Julia Pearce
Merrijane Pierce

Statutory Role:

Child Protection Community 16 Del. C. § 912 (a)(10)
Child Protection Comm. 16 Del. C. §912(a)(10)
Executive Director
Dir. of Child Mental Health 16 Del. C. §912(a)(9)
Attorney General's Office 16 Del. C. § 912 (a)(3)
Dir. of Div. of Family Servs. 16 Del. C. § 912 (a)(2)
Child Protection Comm. 16 Del. C. §912(a)(10)
Child Protection Comm. 16 Del. C. § 912 (a)(10)
Family Court 16 Del. C. § 912(a)(4)
Attorney General's Office 16 Del. C. § 912 (a)(3)

Child Protection Comm. 16 Del. C. § 912 (a)(10)
Children's Department 16 Del. C. § 912(a)(1)
Child Placement Review Board 16 Del. C. § 912 (a)(7)
Inter. Comm. On Adoption 16 Del. C. § 912(a)(10)

Guests:

Karen DeRasmo
Joseph Smack
Candace Charkow
Laura Miles
Joe Bakker
Pam Price
Andrea Schaeffer
Christina Showalter, Esq.
Mary Kaye Jacono
Cari Riley
Andrea Gottesman
Lauren Hoelzer
Elena Torres
Lorin Hochman, Esq.
Heidi Phillipson

I. Welcome

The Chair, Jennifer Ranji, called the meeting to order and presided. For the benefit of guests, everyone introduced themselves.

II. Status of CPAC Legislation

There were no CPAC bills before the Legislature yet this session.

III. Bills to Be Reviewed

The Commission reviewed the packet of proposed legislation, prepared by the Legislative Subcommittee, to determine which bills were within CPAC's mandate and of those, which CPAC would support, which it would oppose and which it would take no position on.

A. SB 43

This bill grew out of a recent Supreme Court opinion and aims to establish a procedure to permit the involuntary civil commitment of sexually violent people. The bill passed the House on 1/27/05 and has been in the Senate Judiciary Committee since 3/15/05. It was reported that there will be a significant fiscal note to the bill and that it is not expected to pass this year.

ACTION: Upon a motion duly made and seconded, CPAC voted to support SB 43 philosophically but note that the fiscal matters need to be addressed. There were no votes cast in opposition and one abstention.

B. HB 117

This Bill provides for notification about all persons who are registered sex offenders. It specifically addresses how Risk Assessment Tier I, II or III will be included in records. Janice Mink noted that the bill will affect children in the care of the Department of Services for Children, Youth and Their Families and noted that it would extend to incidents where one child grabs another. This bill has been in the House Judiciary Committee since 4/19/05.

ACTION: Upon a motion duly made and seconded, CPAC voted unanimously to oppose HB 117 and suggested referring it to the Community Notification Task Force, which has been in existence for several years and has spent significant time reviewing community safety issues regarding sex offenders.

C. SB 23

Currently, sex offenders are forbidden to reside within 500 feet of a school. This act seeks to expand that distance to $\frac{1}{4}$ of a mile. The Bill has been in the Senate Judiciary Committee since 1/26/05. The Commission discussed that passage of the bill would mean that no sex offender could

live in the city of Wilmington. There was also discussion that the bill will not enhance safety for children. Rather than fix a problem, the bill appears to shift the problem to a different location.

ACTION: Upon a motion duly made and seconded, CPAC voted to oppose SB 23 as written with no votes cast in opposition and two abstentions.

D. SB 78

This bill seeks to increase quality child care by increasing the purchase of care rates established for subsidized child care. This bill was reported out of committee on 5/10/05.

ACTION: Upon a motion duly made and seconded, CPAC voted to support SB 78 with one person abstaining and no votes in opposition.

E. SB 99

This bill seeks to make all of Delaware's school children safer by extending the coverage of the criminal background check laws to private school employees. There was discussion as to the possible fiscal note that might be attached to this bill. Laura Miles agreed to provide Tania Culley with the number of schools that would be involved in this. Pete Feliceangeli suggested it would also be helpful to know the number of kids that would be protected by this bill. This bill has been in the Senate Judiciary Committee since 4/29/05.

ACTION: Upon a motion duly made and seconded, CPAC voted to support SB 99 but to recognize the potential of a fiscal note. There were two abstentions.

F. SB 120

This bill seeks to require that the staff of the Division of State Service Centers' Family Visitation Centers are run through the Child Protection Registry and clarifies that the state will pay the costs associated with such checks. The bill was reported out of committee on 5/12/05.

ACTION: Upon a motion duly made and seconded, CPAC voted to support this bill with 2 abstentions.

G. The Commission determined that the following were not within CPAC's mandate:

HB 42
HB 86
HB 98
HB 109
HB 112
HB 123
HB 124
HB 158
SB 52

SB 79
SB 117

IV. Draft Bills

The Commission also reviewed draft Bills.

A. Foster Care Education

Tania Culley, as chair of the CPAC Subcommittee on Education, provided the report on this proposed bill which confirms the Department of Education and Department of Services for Children, Youth and Their Families' practice of giving all children in foster care the protections of the McKinney-Vento Homeless Education Assistance Improvement Act. Ms. Culley explained that the subcommittee wants the concepts codified in the state statute. A motion was made to approve the draft bill as a CPAC bill. The motion was seconded and unanimously approved. Ms. Culley agreed to set about getting sponsors for the bill on behalf of the Commission.

B. Authority for CPAC to Conduct Future Death and Near Death Reviews

This bill would modify 16 Del C. § 912 to include statutory authority for CPAC to conduct future reviews of child welfare cases, including a provision for subpoena power in conducting reviews, in cases of death or near death of a child as a result of abuse or neglect, as well as authorize public distribution of any resulting reports. There was significant discussion about what the Commission had decided at the October 2004 meeting, the time involved in conducting such reviews, CAPTA, and how to avoid interference with prosecution. A motion was made to oppose the bill. The motion was seconded. Eight votes were cast in opposition to the bill and five in support of the bill.

Following the vote, there was discussion as to how to redraft the bill. The suggestion was made not to redraft until after the other reviews that have already been agreed upon are completed. If problems occur in securing records or witnesses for the reviews, the issue could be re-addressed earlier.

C. Public Disclosure of Findings in Death and Near Death Reviews

Tania Culley reported that she took the language of the proposed bill directly from CAPTA and added "so long as the findings or information disclosed do not jeopardize a pending criminal investigation or proceeding." Chief Judge Kuhn offered to set up a legislative meeting to review CAPTA and see what steps can be taken to move forward with this proposal.

D. Wilmington Police Department Representation

The issue of adding a third representative from law enforcement to CPAC was then discussed. Following some discussion about whether addition of another entity would result

in an even number of members for CPAC and whether the support of WPD should be obtained first, a motion was made to reach out to the WPD to gauge their interest in joining CPAC, with a note that the final call as to what law enforcement agency should be added remains with the Governor. The motion was seconded and unanimously approved. Chief Judge Kuhn offered to contact the WPD.

V. Public Comment

Heidi Phillipson addressed the commission and wanted to know if CPAC was overseeing DFS's definitions of abuse, neglect, etc. Ms. Phillipson was informed that there is a subcommittee working to standardize the definitions.

VI. Other Business

The next CPAC meeting is Wednesday, July 13, 2005. A request was made to put a discussion of whether to move the meeting to another day of the week for future meetings on the agenda for the next meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:05 a.m.